

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

_____,
Plaintiff,

v.

Case No. _____

_____,
Defendant.

APPLICATION FOR WRIT OF GARNISHMENT

The Judgment Creditor, _____, states:

- (1) The Judgment Creditor has a judgment dated _____ against the Judgment Debtor whose name is _____, and whose last known address is _____.
- (2) The total amount of the judgment including the principal, interest, costs, and attorney fees awarded by the judgment was \$_____.
- (3) From the date the judgment was filed through the date this Application was signed, additional interest at the rate of _____% totals \$_____. Judgment Creditor has incurred additional costs of \$_____ and additional attorney fees of \$_____.
- (4) Payments totaling \$_____ have been received.
- (5) The unpaid balance now due is \$_____ (*Insert this amount on Civil Form 4-806 NMRA as "Balance Due upon Application for Writ."*) plus interest from the date this Application is filed.
- (6) Estimated costs would equal \$_____ and the Judgment Creditor will seek \$_____ in attorney fees.
- (7) Judgment Debtor, to my knowledge, does not have sufficient property within New Mexico subject to execution to satisfy the judgment. I understand that I have a duty to make a reasonable investigation into the truth of this statement and have done so as follows:¹
(*This allegation is not necessary prior to garnishment of funds for child support or alimony obligations.*)

- (8) I have reason to believe, and do believe, that the garnishee, _____ (name of garnishee)
_____, (address), holds
or controls money or personal property which belongs to the judgment debtor or is indebted
to the judgment debtor.²
- (9) The money or property held by the garnishee is not exempt from garnishment.
- (10) The undersigned certifies that on _____, a true and correct copy of the List of
Resources (as defined in Supreme Court Order No. 21-8500-018) was sent to each
individual consumer judgment debtor for whom a Writ is sought at each individual
consumer judgment debtor's last known address.
- (11) The undersigned further certifies that although this is a consumer debt collection case, the
stay of issuance of writs of garnishment provided by the New Mexico Supreme Court Order
No. 20-8500-021 has been lifted by Supreme Court Order No. 21-8500-018, as applicable to
this case, prior to the date of this Application

Therefore the Judgment Creditor requests a Writ of Garnishment.

Judgment Creditor or Attorney for Judgment Creditor

Judgment Creditor's or Attorney's Name Printed

Address of Judgment Creditor or Attorney

City, State, and Zip Code (*print*)

Telephone number of Judgment Creditor or Attorney

Date of signing

AFFIDAVIT

(application must be sworn to unless signed by an attorney)

Subscribed and sworn to before me this _____ day of _____, _____.

Notary or other officer authorized
to administer oaths

(*seal*)

USE NOTE

1. The judgment creditor shall list any steps taken to investigate whether the judgment debtor possesses property within New Mexico subject to execution to satisfy the judgment. A reasonable investigation may be made, for example, by conducting a credit check or by asking the judgment debtor to identify all of the judgment debtor=s assets during a court hearing.

2. See *Jemko v. Liaghat*, 106 N.M. 50, 52, 738 P.2d 922, 925 (Ct. App. 1987) (providing that a judgment creditor, acting pursuant to a writ of garnishment, may only seize property belonging to the judgment debtor); *Alcantar v. Sanchez*, 2011-NMCA-073, 150 N.M. 146, 257 P.3d 966 (discussing garnishment procedures in the case of joint bank accounts).